

**JOINT WORKSHOP MINUTES
CITY COMMISSION
AND
PLANNING AND ZONING BOARD
NOVEMBER 18, 2004**

Mayor Quesinberry called the joint workshop to order at 6:30 p.m. with the following in attendance:

CITY COMMISSION: Mayor Jack Quesinberry, Commissioners Bill Thompson, Theo Graham, John Harriman, and Mildred Dixon (arrived at 6:43 p.m.)

PLANNING AND ZONING BOARD: Chairman Larry Bedsole, Members Jerry Carris, Richard Mask, Bea Deariso, Jim Campbell, Tina Aldrich, and future board member William Burch

ABSENT MEMBERS: Freddie Anderson

CITY STAFF: City Manager Hollis Holden, Police Chief George Brennan, City Planner Mark Cechman, City Clerk Kathy Golden, Senior Planner Kelly Randall, and Assistant City Attorney Lionel Rubio

Mayor Quesinberry announced that the purpose of this workshop is for discussion by the City Commission, Planning and Zoning Board, and staff regarding a Winter Garden Shopping Village at Fowler Groves to be located on 172 acres at CR 535 and the Western Beltway (SR 429). The workshop will not include public comments at this time.

Mr. Hal Kantor of Lowndes Drosdick Doster Kantor & Reed, PA stated that The Sembler Company previously came to his law firm with their vision for a proposed mall project in Winter Garden and a consulting team has been assembled that includes: Glatting Jackson Kercher Anglin Lopez Rinehart, Inc.; Fishkind & Associates; Lochrane Engineering, Inc.; Charles Wayne Consulting, Inc.; Marketplace Advisors; Universal Engineering Services; Southeastern Archaeological Research, Inc.; Architecture Plus; Lyman Davison Dooley; and CSJM. The presentation will include the economic benefits to the City and then Mr. Percy, with Glatting Jackson, will speak to how the plan has changed since the initial presentation to the City Commission in January 2004. He will follow up and talk about the public questions and answers given at the public workshop on November 16, 2004.

The estimated economic benefits to the City include:

Impact fees totaling (both phases)	\$19,960,173	Permit/Inspection Fees totaling	\$1,015,000
Annual Real Estate Taxes (City only)	\$ 2,500,000	Annual Sales Tax	\$ 26,469
Annual Gas Tax	\$ 6,999	Employment	3,400

Phase I will have 1.380 million square feet and is not like any other project. It is not an enclosed mall but an open-air mall with a big box area and a lifestyle center with community shopping such as grocery, pharmacy, and cleaners. Some of the major tenants will invest between 200 and 300 million dollars in the project. The Sembler's investment is about \$190 million. There will be a significant employment base, plus significant annual revenues.

Mr. John Percy with Glatting Jackson, stated that the project encompasses 172 acres along old 535, new Daniels Road extension, 429, and the Turnpike. The Semblers were attracted to the site because of the vast number of current and planned residential developments in the area and are under contract with the Fowlers to purchase the land. They also factored in the planned roadway improvements. The City's Comprehensive Plan includes the land as a major commercial area as 40 acres but they are applying to amend this. The immediate neighbors are Stonecrest, Bay Isle to the northwest and Country Lakes to the west. There is one wetland in the northeast corner that extends off-site. The goal is to develop a quality retail themed commercial center consistent with regional community and neighborhood components designed to evolve over time to a mixed-use activity center. They want to provide a pedestrian/bicycle friendly environment.

The process included a briefing back in January. Since then, they have conducted about 18 meetings with various homeowner groups with the bulk being with Country Lakes, Stonecrest, and Bay Isle. Through Marketplace Advisors, they have tried to identify market niches. The retention it turned out, due in large part to the Lake Apopka Basin Rule, was not sufficient so more area was needed for stormwater and more has been learned about what the tenants' needs are. This is what has also contributed to the evolution of the plan. The current plan as of today includes a ten-foot walk along Daniels Road and a 40-foot right-of-way along the north side of Stoneybrook Parkway that is designated a regional trail. There is still a public plaza in front of the theater and within the main street area. The closest building to any residence in Stonecrest or Country Lakes is 300 feet or more. There is a great buffering system that includes a 40-foot wide landscape berm along the north edge, 60-foot wide from the smaller stores, a brick wall on the Country Lakes side of 535 and a brick wall on the village side. Installed first will be a 6-foot high berm with very heavy landscaping, then the buildings with another tier of landscaping immediately next to the buildings. The architecture is starting to take shape and the renderings were displayed. Key issues addressed and being worked on include: visual and noise impacts, property values, buffers, building setbacks, lighting standards, architecture, dumpsters, service hours, and traffic impacts. They have submitted the Development of Regional Impact Report (DRI) to the Regional Planning Council, the comprehensive plan amendment, and the rezoning application. Their plan is for the City Commission to conduct public hearings between March and April 2005.

Mr. Kantor shared some of the public questions from the workshop last Tuesday at Tanner Hall and noted that the plan continues to evolve and change through the process.

Why can't the big boxes be moved from the west side to the east side of the site and what about noise? The difficulty is with the shape of the site and the need to have the parking configuration meet the standards for the particular users and the retention, but they will continue to look at this. The parking spaces exceed the City's minimum requirements because it is demanded by the marketplace. They anticipate adding architectural treatments to the back of buildings and they will limit the service hours to no truck deliveries before 7 a.m. or after 11 p.m. for retailers. They have moved the loading docks further away and added screening walls. Another concern is the truck traffic on 535 servicing this project and it is their intent to have the truck traffic go through the project. They are working on various designs to divert traffic through Daniels Road that will be four lanes.

How will their project co-exist with downtown Winter Garden? A consultant, Marketplace Advisors, was hired to survey the downtown merchants in order to make suggestions on the types of stores that would work well in the village in conjunction with the downtown area. There were concerns expressed about how drainage would affect the lakes. The rule is that they cannot impact water bodies any more than exists in a pre-development stage. The way water is channeled changes after the project develops so they are not allowed to put any more water off-site after they develop than what goes off-site today. To the extent that they put water off-site, it has to be treated on site. There was a concern about the berms and landscape after the developer is gone. The obligation for maintenance will be either a Community Development District or an owners' association, but will not be a public obligation.

How is housing affected from a value perspective? His past experience indicates that crime is typically property crimes of shoplifting. Being in the proximity of a quality development such as this, housing values are enhanced over and above the enhancement generally seen in the community overall. There was also a statement made about the need to coordinate the development with the school board for the busses traveling on 535 and they will pay attention to this detail. There is an overall question about traffic and what roads they will impact and what will they do about them. They will build some roads, some roads the County are obligated to build, some will be built by DOT, and they may ask for some sharing of impact fees and they are not sure as of yet which direction it will go. They will be speaking with the County regarding Daniels Road north of the project. They will be building Daniels Road on their site and will not ask for any impact fee credit. Daniels Road south over time needs to be widened. There will be meetings with DOT regarding portions of SR50. This project will make millions of dollars in road improvements to the area. The first phase is 1.380 million square feet and they can't even do the second phase until a traffic analysis is done. When they do the traffic analysis, it will determine what traffic improvements need to be made for the next phase which is 200,000 square feet of retail, 50 residential units and 125-unit hotel, as planned today. If there is a demand for any or part of Phase 2, parts of the site will have to be redeveloped with structured parking.

At 7:15 p.m., the Commission and Board opened the workshop for questions:

Board Member Mask asked what part of the map was Phase 2. Mr. Kantor stated that Phase II is not yet designed and is generally demand-based designed. The rendering is just a potential mapping of what it could be. The request for a change of the comprehensive plan will not have this detail and is not an adoption but a request for their consideration to the Department of Community Affairs (DCA). The DCA distributes the request to many agencies who file reports back to the DCA, who then prepares an "ORC" report that comes back to the City of Winter Garden for adoption. Before adoption by the City, the City waits for the DRI report with conditions.

Board Member Mask asked what old 535 would look like and whether or not people still are able to get to main street Winter Garden. Mr. Kantor stated that additional work has to be done on the road system and there will still be access to downtown. They don't have everything they need yet but they will protect the neighborhoods around the project.

Board Member Carris stated he would like to have the vegetation plans to the project well in advance of any decisions being made. Mr. Kantor stated he is sensitive to what is being said. A lot of this is available now, but it is probably too premature at this point because it is not done.

Board Member Aldrich stated that her interpretation of what the residents were saying at the public workshop is that they were led to believe it was going to be a village marketplace similar to Winter Park's and they did not want "big box" stores near their residences because the vegetation takes too long to grow to be of any use. Was this always the plan? Mr. Kantor replied that it is possible the use of the word "village" may have been misleading to some but the plan has always included the big stores. Mr. Percy stated that they have always spoken about the various components and he did apologize on more than one occasion for the misunderstanding because people perceived it to be similar to Winter Park's village, even though the graphic depiction was presented. Only one part of the area is "main street" in nature. Ms. Aldrich stated that it seems a shame that the box stores cannot be located next to 429 as there is so much property and she finds it difficult to believe that they cannot be relocated. Mr. Kantor stated that the graphic presented is based upon studies for the water, etc. The tenants need to be grouped in a manner that works commercially which also was a factor in the plan. The site plan will continue to be looked at and he doesn't know if it will change or not. He is not representing that it will work to move the box stores, but in order to make the rest of the project work, big boxes are economically necessary.

Commissioner Graham asked about where the water would go if the retention ponds overflowed. Mr. Mike Harding with Lochrane Engineering stated that two-thirds of the property drains to the south and to the west into Lake Tilden, Black Lake, Johns Lake, and then Lake Apopka. Commissioner Graham stated that the pond on the east side would drain to Lake Roberts. Mr. Harding stated that according to all the hydrologic studies, eventually that drainage gets down to Johns Lake and up to Lake Apopka. The plan meets the phosphorus loading requirements prior to discharge from their site. The water leaving their site, after development, will actually be cleaner and have less phosphorus than it does today because of the rules that have to be met.

Commissioner Graham asked if the ramps would be changed at 429. Mr. Harding stated they are not changing the ramping, which is different than was talked about at the very first meeting. He is not sure the expressway authority would allow a ramp. Commissioner Graham stated that it looks like there will be a traffic problem with the traffic lights relative to the distance between the lights and the entrance.

City Manager Holden commented that this project is in the preliminary stages of discussions regarding the traffic, number of lights, and the exact alignment of where old 535 comes off. We don't know where the county is any more and they still have to meet with the county. A master plan was approved some 8-9 years ago for four-laning before any of the residential development and for the north area to eventually line up to intersect with Highway 50 at Daniels Road. Early studies for Daniels Road/new 535 may wind up just being Daniels Road. The County old 535 stays old 535 intersecting with the new four-lane Daniels Road but the vision for that section of road always had it as a main arterial that will become a collector. Eventually, it would be under the control of the City of Winter Garden and disappear as a County road designation, just as Daniels Road would become the City of Winter Garden's road. What happens to the south is entirely up to the County.

Commissioner Dixon stated that she opposes any additional ramps and tolls. We need not worry about the south portion to 192, but we do need the four lanes. Mr. Holden stated that the issues that are not in “concrete” yet are those through the project such as where and how many traffic lights, and we are doing all we can to preserve and improve the traffic on the current 535 within the region to make it a collector and keep the trucks off old 535.

Board Member Mask asked about security cameras behind the businesses along 429. Mr. Kantor stated the plans are not yet at that level, but it is a good point. The issue of security is serious for everyone.

Commissioner Graham stated that there may be a reduction in traffic on old 535 with the Clermont traffic using Marsh Road as an access.

Mr. Holden stated that the next official action is to the Planning and Zoning Board for a recommendation to the City Commission to transmit the Comprehensive Plan change to the state. Then the City Commission takes the same action at a public hearing. It goes to the state and the state sends back an ORC report. There are a whole series of public hearings that will go into all the detail, adoption of the Comprehensive Plan change, zoning changes, and a multitude of other public hearings.

Board Member Bedsole asked if the traffic study has been done. Mr. Kantor replied that a traffic study has been done. The development stage will include how it is to be addressed and presented to the Planning and Zoning Board. Mr. Holden stated that the first time it goes to the Planning and Zoning Board and the City Commission there will not be an answer as to how many traffic lights or if there will be a left-turn lane at an intersection, etc. The gross traffic figures are available and during the process is where the issues come out.

Mayor Quesinberry thanked everyone for their participation.

The workshop was concluded at 7:47 p.m.